IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION (CIVIL) NO.327 OF 2005

Danmal Gangaram Sethia,
since deceased, through legal heirs
Pushpadevi Danmal Sethia & Ors. ...Petitioners

Versus

M/s.Kamala Mills Ltd. & Ors. ...Respondents

.....

Mr.Sanjay Udeshi for Petitioners.

Mr.Sudhir Talsania with Ms.S.Srikrishna i/b
M/s.Kanga & Co. for Respondents 1 to 6.

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CORAM: A.M.KHANWILKAR, J.

JUNE 29, 2006.

P.C.

1. Heard Counsel for the parties.

2. I find substance in the preliminary objection taken by the Counsel for the Respondents that against the award dated 15th September 2004, the Petitioners could have moved by way of execution or taken recourse to any other remedy

available in law for its enforcement.

3. As alternate efficacious remedy was available to the Petitioners, it is well settled that this Court should be slow in invoking the contempt jurisdiction. Besides, it is now seen that the Respondents have filed Writ Petition against the said Award which Writ Petition has been admitted and stay of operation of the said Award has also been granted by this Court.

4. In the circumstances, this Contempt Petition be disposed of, leaving all other remedies available to the Petitioners open for enforcement of the award if so advised.

A.M.KHANWILKAR, J.